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SEP 01 2006

PTO/SB/21 (07-06)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/771,632
	Filing Date	02/05/2004
	First Named Inventor	Norm Gitis
	Art Unit	2856
	Examiner Name	Paul West
	Attorney Docket Number	16
Total Number of Pages in This Submission		3

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Petition to Withdraw Holding of Abandonment - 1 page Attachment 1: applicant's statement - 1 page Attachment 2: docket records - 1 page		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name		
Signature	<i>Norm Gitis</i>	
Printed name	Norm Gitis	
Date	September 1, 2006	Reg. No.

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Norm Gitis</i>		
Typed or printed name	Norm Gitis	Date	September 1, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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SEP 01 2006

Mail-Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 31, 2006

App. Number: 10/771,632
App. Filed: 02/05/2004
Applicants: Norm Gitis, etc.
Title: Method and Apparatus for Determining Characteristics of Thin Films

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir,

According to the USPTO website information, an office action in response to our Patent Application was sent to us in September 2005. However, we have not received it.

Our secretary called a secretary of the Art Unit 2856 on March 10, 2006 and inquired about the status of the application, and when learned that the office action had been sent out, immediately informed that we did not receive it and asked for it to be re-sent.

As we did not receive it for two more months, I called the examiner on May 2, 2006 and inquired what shall be our course of actions. The examiner recommended me to send a fax to him to start a proper internal inquiry, which I did on May 4, 2006.

In response to our phone calls and fax, the examiner called me back on August 29, 2006 and requested to file this petition, as well as faxed me the corresponding 37 CFR 1.181 rules.

With this Petition, I solemnly request to withdraw holding of the abandonment, under 37 CFR 1.181.

Thank you very much in advance for your prompt attention to this matter.

Sincerely,



Dr. Norm Gitis, on behalf of the applicants
10131 Firwood Drive, Cupertino, CA 95014
Fax: 408-376-4050; Phone: 408-376-4041; Email: nevmecorp@yahoo.com

Attachments:

- 1- Statement that the correspondence in question has not been received.
- 2- Supporting evidence: copy of the docket record, where the non-received office action would have been entered to item 16 had it been received, which discloses the receipts of all other correspondence mailed from USPTO and absence of the correspondence in question.

*Attachment 1*RECEIVED
CENTRAL FAX CENTER August 31, 2006

SEP 01 2006

App. Number: 10/771,632
App. Filed: 02/05/2004
Applicants: Norm Gitis, etc.
Title: Method and Apparatus for Determining Characteristics of Thin Films

**STATEMENT THAT THE USPTO OFFICE ACTION OF SEPTEMBER 2005
WAS NOT RECEIVED BY THE APPLICANTS**

According to the USPTO website information, an office action in response to our Patent Application filed on February 25, 2004, was sent to us in September 2005.

On behalf of the applicants, I solemnly swear that we did not receive it.

We learned about this office action a half-year later on March 10, 2006, when our secretary called a secretary of the Art Unit 2856 to inquire about the status of our patent application 10/771,632, immediately informed that we did not receive it and asked for it to be re-sent.

As we did not receive it for two more months, I called the examiner on May 2, 2006 and asked what shall be our course of actions; the examiner recommended me to send a fax to him to start a proper internal inquiry, which I did on May 4, 2006.

In response to our phone calls and fax, the examiner called me back on August 29, 2006 and requested to file Petition under 37 CFR 1.181 rules.

The attached docket record provides a clear evidence of the facts that firstly, all our communications with USPTO have been in order, and secondly, that the particular office action in question (pertaining to item 16 of the docket) has not been received.

This Statement is submitted as an attachment to the Petition to Withdraw Holding of the Abandonment, under 37 CFR 1.181.

Sincerely,

Norm Gitis

Dr. Norm Gitis, on behalf of the applicants
10131 Firwood Drive, Cupertino, CA 95014
Fax: 408-376-4050; Phone: 408-376-4041; Email: nevmetcorp@yahoo.com

Attachment 2

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Norm V. Gitis
 Cupertino, CA 95014
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PATENT DOCKET RECORDS

ITEM	TITLE	APPLICATION #	FILING DATE	Last Two USPTO Communications
2	Bidirectional Force Sensor	09/588054	6/05/2000	12/4/01: patent 6,324,918 issued 08/15/05: maintenance fee paid
3	Method and Apparatus for Measuring Friction and Wear	09/624500	7/24/2000	07/16/02: patent 6,418,776 issued 08/15/05: maintenance fee paid
4	Method and Device for Measuring Forces	09/624512	7/24/2000	04/02/02: patent 6,363,798 issued 08/15/05: maintenance fee paid
5	Microscratch Test Indenter and Method of Microscratch Testing	09/668551	9/25/2000	01/07/03: patent 6,502,455 issued 03/20/06: maintenance fee paid
6	A Method and Apparatus for Controlled Polishing	09/669214	9/25/2000	07/10/01: patent 6,257,953 issued 08/15/05: cease maintenance
7	Method and Apparatus for Controlled Polishing	09/859062	5/17/2001	12/17/02: patent 6,494,765 issued 03/20/06: maintenance fee paid
8	Method and Apparatus for Polishing Control with Signal	09/953756	9/17/2001	07/01/03: patent 6,585,562 issued 8/31/2006: maintenance DUE
9	Method and Apparatus for Controlled Polishing	PCT/US01/29755	9/21/2001	04/25/02: abandoned after 19 months
10	Method and Device for Measuring Forces	PCT/US01/30979	10/4/2001	05/04/03: abandoned after 19 months
11	Method and Apparatus for Detecting the Presence	10/035967	1/4/2002	06/03/03: patent 6,573,838 issued 8/31/2006: maintenance DUE
12	Multiportal Device and Method for Percutaneous Surgery	10/136548	5/1/2002	11/25/05: patent 6,969,392 issued 12/30/07: maintenance DUE
13	Multiportal Device With Linked Cannulae and Method	10/145488	5/15/2002	05/11/05: amendment A filed 03/30/06: terminal disclosure filed
14	Multiportal Device With Linked Segmented Cannulae	10/148304	5/16/2002	09/11/05: patent allowed 11/05/05: issue fee submitted 04/19/06: faxed modif pages 7-8
15	Method and Apparatus for Monitoring Polishing Plate	10/184369	7/1/2002	03/09/04: patent 6,702,646 issued 12/30/06: maintenance DUE
16	Method and Apparatus for Testing Characteristics of	10/771632	2/5/2004	08/11/05: published 05/02/06: called examiner 05/04/06: faxed inquiry to examiner 08/29/06: call+ fax from examiner
17	Method and Apparatus for Detamination Testing	n/a	n/a	08/15/06: internal filing target